
REMARKS

Claims 1, 2, 8, and 12 have been amended in this response. Claims 2, 8, and 12 were amended to correct antecedent basis issues, and claim 1 was amended to more clearly recite the structure of the claim. Claims 1-2, 4-19, and 21-31 remain for consideration in the application.

Claim Objections

Claims 2, 8, and 12 were objected to because of antecedent basis issues. Those claims have been amended per the Office Action's comments, and the rejections are believed to be overcome.

Rejections Under U.S.C. § 103

Claims 1, 4, 9, 13, 18, 19 and 21-26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Balsom (U. S. Patent No. 5,592,586) in view of Hayashi et al. (U.S. Patent No. 6,304,525). There is a difference between holding and gripping. When reference is made to Applicant's disclosure in support of the language of the claims, it is clear that gripping means grasping and holding in a fixed position, so that the disk does not move around, flop between two locations, or become generally cradled in a loose configuration. Instead, the disks are gripped and held by the gripping head, and a single gripping head has two gripping locations, as is recited by the claims.

In contrast, Applicant respectfully submits that the Hayashi reference cradles a disk, and when the disk transporter is moved and inverted, the disk is allowed to flop from one tray to another. The nature of this flopping, not gripping, is clearly described in Hayashi, at col. 6, line 65 to col. 7, line 2, which states unambiguously, "Since the empty pallets 9 have been contained within the first and third grooves 25 and 27, respectively, the discs D are dropped onto these empty pallets 9 and are turned over, as shown in FIG. 10 when the rotating frame 22 is rotated." What is clearly described in Hayashi is not what is recited in the present claims. It is clear from a reading of Hayashi that it does indeed drop the discs during a rotation, and therefore does not maintain a fixed relative position as is required. The present claims require maintaining the fixed relative positioning of the discs "while the first and second compact discs are engaged by the

gripping head.” This is not the case with Hayashi, as the disks clearly flop about within the cradle during the time the Office Action alleges incorrectly that they are gripped. The disks in Hayashi are not gripped. The Office Action alleges that “gripping means holding tight” in Balsom. However, there is no such indication in Balsom of any such gripping. Instead, a generic transporter is discussed. Still further, the alleged “gripping” in Hayashi has been shown to be a loose cradling not having the same function, structure, or method of the present claims.

Once again, Applicant asserts that the clear and unambiguous language of the Office Action as well as Hayashi itself indicates that a gripping head (indicated in the specification and in the Office Action at Page 5), identified as numeral 9 in both the Office Action and in Hayashi’s specification, can only hold a single disk, not two disks as is required by the claims. Argument alone cannot overcome the unambiguous recitation in the clear language of Hayashi.

Applicant submits that claims 1, 9, 18, and 21-25 are allowable. The remaining claims 4, 13, 18, and 26 depend from and further define one of the independent claims and are also believed allowable.

Claims 14-17 were also rejected under 35 U.S.C. § 103(a) as being unpatentable over Balsom (U. S. Patent No. 5,592,586) in view of Hayashi et al. (U.S. Patent No. 6,304,525). Once again, Balsom and Hayashi have been shown to not contain the elements alleged by the Office Action to be contained. As such, the claims are allowable.

Claims 27 and 30 were also rejected under 35 U.S.C. § 103(a) as being unpatentable over Balsom (U. S. Patent No. 5,592,586) in view of Hayashi et al. (U.S. Patent No. 6,304,525). Still again, Balsom and Hayashi have been shown to not contain the elements alleged by the Office Action to be contained. As such, the claims are allowable.


CONCLUSION

In view of the above remarks, Applicant respectfully submits that the claims are in condition for allowance and requests reconsideration of the application and allowance of claims.

The Examiner is invited to contact Applicant's Representatives at direct dial (612) 312-2203 if there are any questions regarding this Response or if prosecution of this application may be assisted thereby.

Respectfully submitted,

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